

# Town of Frederick Board of Trustees



Eric Doering, Mayor

Sue Wedel, Mayor Pro Tem  
Liberta Hattel, Trustee  
Amy Schiers, Trustee

Tony Carey, Trustee  
Gerry Pfirsch, Trustee  
Jim Wollack, Trustee

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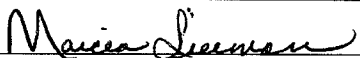
AM 2009-035

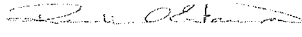
## Weed Control

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**Agenda Date:** Town Board Meeting - April 28, 2009

**Attachments:** a. Proposed Ordinance

**Fiscal Note:** None noted  
  
Finance Director

**Submitted by:**   
Town Attorney

**Approved for Presentation:**   
Town Administrator

**AV Use Anticipated** Projector \_\_\_\_\_ Laptop \_\_\_\_\_

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**Certification of Board Approval:** \_\_\_\_\_  
Town Clerk Date

### **Summary Statement:**

*In March 1992, the Frederick Municipal Code (Code) was codified and adopted by the Board of Trustees. Throughout the years there have been amendments, revisions, and modifications to the Code Book to track evolution of Town practices. In some instances the Code has not been adequate to enforce the practices that may have been intended by certain Code provisions. This proposed ordinance would clarify the conditions of weeds and brush that are considered to be nuisances and what code enforcement measures will be applied to mitigate such nuisances.*

### **Detail of Issue/Request:**

*In some instances, relying on resident self-regulation of weeds and brush growth along public rights of way and public lands has led to interference with Town maintenance efforts. Code Enforcement*

*personnel have also found it difficult to enforce the provisions of the Code on the subject with the current level of detail found in the Code. Proliferation of weeds and other plants occurs from wind-born seeds that move off private property and onto/on boundaries with public property; and state statute authorizes municipalities to regulate private lands in efforts to control weeds and brush.*

*The proposed ordinance will update the Code to reflect the extent of the police powers granted to municipalities to control proliferation of weeds and brush in the Town, and clarify the height of weed, grass, or other vegetation that will trigger a violation within the Town's boundaries. It will also provide notice to residents of the abatement options available to the Town to enforce those sections of the Code that address weed control. Hopefully, these changes will also lead to easier enforcement for Code Enforcement personnel.*

**Legal/Political Considerations:**

*This effort to regulate across the entire area of a private lot may receive some resistance from property owners who do not live adjacent to public property other than a right of way. Some agricultural properties may also object to this exercise of police power.*

**Alternatives/Options:**

*Leave the Code as is and encourage self-regulation through other means, e.g., offer herb/pesticides to residents for no/a nominal cost at town hall.*

*Execute some of the proposed changes, e.g., civil provisions in Chapter 7 or criminal provisions in Chapter 11.*

**Financial Considerations:**

*None.*

**Staff Recommendation:**

*Adopt the proposed ordinance or specify additional/other control measures to apply.*